

in violation of the applicable provisions in the load line acts, and the regulations in this subchapter. If the survey confirms the allegation that the vessel is in violation of either law or the applicable regulations in this subchapter, "the owner and agent shall bear the costs of the survey in addition to any penalty or fine imposed", as provided in these laws.

(d) Whenever a vessel is detained, the master or owner may, within 5 days, appeal to the Commandant who may, if he desires, order a further survey, and may affirm, set aside, or modify the order of the detaining officer.

(e) Where a foreign vessel is detained or intervention action of any other kind is taken against a foreign vessel, the officer carrying out the action shall immediately inform in writing the Consul or the diplomatic representative of the State whose flag the vessel is flying, of the decision involved together with all pertinent circumstances under which intervention was deemed necessary.

(f) Under 46 U.S.C. 5109 a vessel of a foreign country which has ratified the 1966 Convention, or which holds a recognized and valid 1930 Convention certificate, or which holds a valid Great Lakes Certificate, shall be exempt from the provisions of the regulations in this subchapter insofar as the marking of the load lines and the certificating thereof are concerned, so long as such country similarly recognizes the load lines established by this subchapter for the purpose of a voyage by sea subject to the proviso in paragraph (f)(1) of this section or the alternative proviso in paragraph (f)(2) of this section.

(1) If the foreign vessel is marked with load lines and has on board a valid International or Great Lakes Load Line Certificate certifying to the correctness of the marks, the control provisions in this part which are in accord with Article 21 of the 1966 Convention shall be observed. In this connection, the vessel shall not be loaded beyond the limits allowed by the certificate. The position of the load lines on the vessel shall correspond with the certificate. The vessel shall not have been so materially altered as to make the vessel manifestly unfit to proceed to sea

without danger to human life, in regard to:

(i) The hull or superstructure (if necessitating assignment of an increased freeboard); and/or,

(ii) The appliances and fittings for protection of openings, guardrails, freeing ports, and means of access to crew's quarters (if necessitating replacement or other effective maintenance).

(2) (Alternatively provided) If the foreign vessel has on board an International Load Line Exemption Certificate in lieu of an International Load Line Certificate, 1966, in such case, verify that it is valid and any conditions stipulated therein are met.

(g) A foreign vessel of a nation for which the 1966 Convention has not come into force does not qualify for an International Load Line Certificate, 1966. In lieu thereof, such a vessel shall be required to have on board a valid Form B load line certificate or a recognized 1930 Convention certificate.

[CGFR 68-60, 33 FR 10055, July 12, 1968, as amended by CGFR 68-126, 34 FR 9012, June 5, 1969; USCG-1998-4442, 63 FR 52190, Sept. 30, 1998]

§ 42.07-75 Right of appeal.

Any person directly affected by a decision or action taken under this subchapter, by or on behalf of the Coast Guard, may appeal therefrom in accordance with subpart 1.03 of this chapter.

[CGD 88-033, 54 FR 50380, Dec. 6, 1989]

Subpart 42.09—Load Line Assignments and Surveys—General Requirements

§ 42.09-1 Assignment of load lines.

(a) The assignment of load lines is conditioned upon the structural efficiency and satisfactory stability of the vessel, and upon the provisions provided on the vessel for her effective protection and that of the crew. Certain vessels, such as vessels carrying all their cargo as deck cargo, or vessels where design or service require special conditions to be applicable, shall have certain stability limitations imposed on them, as may be necessary. When stability limitations for a vessel are